

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SUPER 8 MOTELS, INC.,

Plaintiff,

V.

CONQUISTA HOTEL GROUP, LTD.,
ET AL.,

Defendants.

Honorable Madeline Cox Arleo
Civil Action No. 06-5642 (JAG)

REPORT AND RECOMMENDATION

BACKGROUND

On November 27, 2006, plaintiff, Super 8 Motels, Inc. (“plaintiff”), filed the complaint. Thereafter, by stipulation and order entered on March 29, 2007, defendants, Conquista Hotel Group, Ltd. (“Conquista”), Alanis Hotels, L.C. (“Alanis”), Jose Alanis, Jose Alanis, Jr., Ruth Alanis and Samuel Vela (sometimes hereinafter referred to as “defendants”) were granted an extension of time to move and/or answer the complaint until April 23, 2007. Defendants then sought an additional extension of time to answer or otherwise move until April 26, 2007. By a second stipulation and order, this Court granted defendants’ request. On April 26, 2007, defendants filed an answer with affirmative defenses to the complaint.

On August 21, 2007, attorney Miguel A. Pozo, on behalf of the law firm of Lowenstein Sandler, moved for leave to withdraw as counsel for defendants. This Court granted Mr. Pozo's motion by Order entered on August 30, 2007 and directed him to provide his clients with copies

of the Order. This Court further directed defendants Conquista and Alanis, corporate entities, to have new counsel enter an appearance on their behalf no later than October 1, 2007, as a corporate entity cannot represent itself under applicable law. The Order also provided that, if counsel failed to enter an appearance on behalf of Conquista and Alanis by October 1, 2007, this Court would ask the District Court to strike their answers and enter default against them.

As to defendants Jose Alanis, Jose Alanis, Jr., Ruth Alanis and Samuel Vela, if new counsel was not secured and an appearance entered by October 1, 2007, the Court would then deem them to be proceeding on a pro se basis and require them to attend all court conferences. The parties were directed to appear for a status conference on October 5, 2007 at 10:00 a.m.. On October 5, 2007, only plaintiff's counsel appeared at the Conference. No party or counsel appeared on behalf of any of the defendants.

Pursuant to settled Third Circuit law, corporations cannot represent themselves pro se. See Simbrow v. United States, 367 F.2d 373, 374 (3d Cir. 1966). Therefore, I recommend that the District Court strike the Answer of corporate defendants Conquista Hotel Group, Ltd. and Alanis Hotels, L.C. (Docket Entry Nos. 12 and 13)¹, and that plaintiff be allowed to proceed to judgment by default as to defendants Conquista and Alanis and enter default against them. The parties have ten (10) days from the date hereof to file and serve objections.

Respectfully submitted,

s/Madeline Cox Arleo
MADELINE COX ARLEO
United States Magistrate Judge

¹ A review of the official docket indicates that defendants mistakenly filed twice their Answer to the Complaint (Docket Entry Nos. 12 and 13).

Dated: October 30, 2007

Orig.: Clerk of the Court

cc: Hon. Joseph A. Greenaway, Jr., U.S.D.J.

All Parties

File